

REMARKS

Claims 72-82, 88 and 90 are currently pending in this patent application. Applicants now address each and every point raised by the Examiner in the above-noted Office action as follows:

I. Rejection of Claims Under Section 103

Claims 72-82, 88 and 90 have been rejected under 35 U.S.C. §103 as being allegedly unpatentable over Wang in view of Matsushima and Prood. Applicant submits that Wang fails to disclose or remotely suggest the use of an exhaust vent. The Examiner alleges that Wang discloses a vent located in the curved section in Figures 2 and 6. Applicant disagrees that Figures 2 and 6 of Wang show a vent. Figs. 2 and 6 of Wang have the following reference characters:

- 1 Housing;
- 2 Main body;
- 4 Front edge;
- 5 Rear wall;
- 5a Top;
- 8 Access Door;
- 10 Pan;
- 20a Front opening; and
- 22 Sloped axis.

None of the referenced structures are an exhaust vent. The curved section referred to by the Examiner in Figs. 2 and 6 include a series of parallel lines, which are what the Applicant assumes the Examiner is alleging to be a vent. However, there is

no indication either in the specification or in the drawings that such lines depict a vent or any type of opening for that matter. Wang states that "FIG. 2 is a left side elevation view of the automatic breadmaker of the present invention," and that "FIG. 6 is another left side elevation view of the automatic breadmaker of the present invention." Applicant respectfully submits that if the parallel lines referred to were vents Figs. 2 and 6 would have to be cross-sectional views not elevational views to show that the inside of the cabinet is open to the outside of the cabinet. Moreover, if the parallel lines were vents that opened to the outside of the cabinet, they would be shown in Figs. 1, 3, 4 and 7. Accordingly, the parallel lines cannot be vents.

Furthermore, the specification never mentions a vent, openings, slots or anything else that shows that the interior of the cabinet is open to the exterior in the curved section. Accordingly, Applicant respectfully submits that Wang does not teach or suggest "an exhaust vent located in one of the walls of the enclosure" or "an exhaust vent located in the curved section," and therefore the Examiner cannot maintain the present rejection.

Matsushima does not make up for the deficiencies of Wang, as Matsushima also fails to disclose an "exhaust vent" as claimed by Applicant. For example, louvers 22a and 22b are used to supply outside cooling air into the machine chamber 7, and, therefore, cannot be considered "exhaust vents." See Matsushima col. 5, lines 23-27. Louvers 38a and 38b are positioned in the

"bottom plate" of the floor of the machine. As stated at col. 8, line 61, "... the provision of the louvers and the punching holes can reduce the resistance of air flowing through the machine chamber 7." Such an arrangement directly teaches away from the claimed invention. Instead of reducing resistance to air, as taught by Matsushima, the exhaust vent of the claimed invention "reduces potential heat damage to overhead cabinets..." because the "hot air must first rise above the louver and then exit by dropping down into the louver opening rather than simply rising directly through the louver opening." See Specification pg. 36, lines 21-28. Since Matsushima teaches away from such an indirect vented air path, there is no motivation to combine Wang and Matsushima. However, even if such a motivation were provided the combination does not render obvious the present claims because Wang does not teach an exhaust vent, as discussed above.

Prood does not make up for the deficiencies of Wang and Matsushima because Prood also does not teach or suggest an exhaust vent.

Accordingly, Applicant submits that the combination of Wang, Matsushima and Prood does not operate to provide the claimed inventive feature that is neither disclosed or suggested in any of the references. In view thereof, one having ordinary skill in the art taking the combined teachings of Wang, Matsushima and Prood would not be motivated to construct the vented countertop rotisserie oven as recited in Applicant's independent claims. Applicant, therefore, submits that its

invention as recited in these claims is not obvious over the combination of Wang, Matsushima and Prood, and respectfully requests that the rejection of independent claims 72, 88 and 90 and claims 73-82 depending respectively therefrom, be reconsidered and withdrawn.

II. Conclusion

In view of the above, Applicants respectfully request that the rejection of the claims be reconsidered and withdrawn, and that claims 72-82, 88 and 90 be passed to allowance.

III. Request for Telephone Conference

If, after considering this Amendment, the Examiner believes that any of the pending claims are not properly allowable, Applicants request that the Examiner please contact its authorized representative identified below by phone prior to taking any further action for the purpose of hopefully resolving any such issue.

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Amendment and Response to
1/06/2005 Office Action

-5-

Appl. No. 09/824,429
Atty. Docket No. 65476-5002
Customer No. 24574

Please charge our Deposit Account No. 10-0440 if any additional fees are necessary for this matter.

Respectfully submitted,

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Amendment and Response to
1/06/2005 Office Action

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Appl. No. 09/824,429
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